

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
May 13, 2014 – 5:00 PM**

PRESENT:

Commissioner Ro Wilkinson
Commissioner Don Buehner
Chairman Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
Commissioner Diane Adams
Commissioner Todd Staheli
Council Member Joe Bowcutt

MINUTES APPROVED
By: RO WILKINSON
Seconded: JULIE HULLINGER
Date: 10/14/14

CITY STAFF:

Development Services Manager Wes Jenkins
Community Development Coordinator Bob Nicholson
Project Manager Todd Jacobsen
Planner II Ray Snyder
Assistant City Attorney Victoria Hales
Administrative Secretary Genna Singh

FLAG SALUTE

Chairman Ross Taylor asked Commissioner Ro Wilkinson to lead the flag salute at 5:00 pm.

1. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for “**The Cottages at Fossil Hills Phase 4**” a twenty-three (23) lot residential subdivision plat. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned PD-R (Planned Development Residential) and is located at approximately 3419 South River Road. Case No. 2014-FP-024. (Staff – Todd J.)
- B. Consider approval of a final plat for “**The Cottages at Fossil Hills Phase 5**” a thirty-one (31) lot residential subdivision plat. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned PD-R (Planned Development Residential) and is located at approximately 3419 South River Road Case No. 2014-FP-025. (Staff – Todd J.)

Todd Jacobsen presented Items 1A and 1B. In 2006 this went to Planning Commission and City Council. Part of the approval for the plat was a conservation easement on Phase 4 that continued northward. The landscape agreement was to replenish the hill. The motion needs to ensure that agreement is fulfilled.

Commissioner Nathan Fisher asked if the landscape agreement is documented.
Todd Jacobsen responded that if it's not it is in the minutes.
Commissioner Nathan Fisher asked if it is the same developer.

Todd Jacobsen responded yes.
Chairman Ross Taylor asked if the landscape is only for Phase 4.
Todd Jacobsen replied no, it was over multiple phases.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 1A and 1B conditioned on compliance with the landscaping of the conservation area and authorize chairman to sign.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion carries.

2. FINAL PLAT AMENDMENT (FPA)

- A. Consider approval of a final plat amendment for “**Sun River St George Phase 16**” to add Lot 1913 to the Phase 16 residential subdivision plat. The owner is St George Sun River and the representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned PD-R (Planned Development Residential) and is located at approximately 4861 South Horizon View Drive (in the Sun River Development). Case No. 2013-FP-005. (Staff – Todd J.)

Todd Jacobsen noted that the purpose of this amendment is to add Lot 1913 into Phase 16. This area was “common area” on the original final plat. The HOA has approved it.

MOTION: Commissioner Ro Wilkinson made a motion to accept Final Plat Amendment 2A with the approval of the owners and authorize chair to sign.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion carries.

- B. Consider approval of a final plat amendment for “**River Hollow Phase 3 and Phase 4**” to amend note #4 on Phase 3 and note #4 on Phase 4. The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned RE-12.5 (Residential Estate 12,500 square foot minimum lot size) and is located at 1190 South Circle and 1240 South Circle which are both off of 2580 East Street. Case No. 2014-LRE-005. (Staff – Todd J.)

Todd Jacobsen explained that along 2580 East there is a 25’ storm drain easement. Back in 2002 when this was done, we put a 5’ buffer in between the setback for the building and the easement so technically there is a 30’ setback for the house. We went back and looked through our files to see why the setback was 30’. We could not find anything regarding this and don’t see a reason to not have the easement and setback line both at 25’.

MOTION: Commissioner Diane Adams made a motion to accept and pass Final Plat Amendment 2B as defined.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion carries.

3. **LOT LINE ADJUSTMENT / EASEMENT VACATION (LRE)**

Consider approval of a lot line adjustment and easement vacation for “**Lot 39 of Bloomington Hills No. 3 Subdivision.**” The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-8 (Single Family Residential 8,000 square foot minimum lot size) and is located at 1487 E Tamarisk Drive (Bloomington Hills area). Case No. 2014-LRE-004. (Staff – Todd J.)

Todd Jacobsen presented the following:

This item is basically to allow the home owner to build a garage. This is to sell City property, which is a City Council action, to vacate the public utility easement, and to adjust the property lot line. The applicant wants to put a garage where the wall is. The problem is that he needs to have an 8’ setback from property line to his wall. This area will be 726 square feet. Then we’ll vacate the easement there. Whatever we sell to him we will maintain as a public utility easement. His idea is not to build anything in the purchased area he just needs the 8’ setback from his property line.

Commissioner Nathan Fisher asked if the 8' will be enough for JUC (joint utilities commission). Todd Jacobsen responded yes, and if there were any utilities he would have to pay to move them.

MOTION: Commissioner Ro Wilkinson made a motion to approve Item 3.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion carries.

4. **GENERAL PLAN AMENDMENTS (GPA) PUBLIC HEARING**

Consider a request to amend the City General Plan Land Use Map by changing the land use designation from LDR (Low Density Residential) to COM (Commercial) on approximately 18.5 acres located at the south east corner of the intersection of **2450 South Street and River Road**. The applicant is Desert Investment Group and the representative is Mr. Dave Weller. Case No. 2014-GPA-004. (Staff – Bob N.)

Note: Previously tabled at the April 8, 2014 PC meeting.

Bob Nicholson presented the following:

The property is currently a vacant parcel at the southeast corner of the intersection. The current zoning is R-1-10 and the Planning Commission is responsible for reviewing all requested amendments to the City General Plan and making a recommendation to the City Council. The General Plan is a guide for land use decisions such as zoning decisions. Any amendments must be considered in a public hearing setting.

We have a request to amend the plan and change from low density residential to commercial use. If the General Plan is amended then the applicant will go through a rezone process to change the zone to a commercial zone such as C-1, C-2, C-3, C-4 or PD-Commercial.

As an educational aside: the General Plan is general in nature. When it is amended there has to be a public hearing before both the Planning Commission and City Council. The main issue at the General Plan stage is a fairly simple question: is the land use suitable for a particular location? For example, the General Plan states that the intersections of arterial streets, defined as four or five lane streets, are generally a good location for commercial services. However, the size and scale of land use is not determined at the General Plan level. At the General Plan level it is typically a bubble. If you look at what happened at the Sheffield property the General Plan bubble was already there and now

we are looking at zoning and how big the project should be. That takes us to step two. The neighborhood and the developer have had a lot of discussion that would typically take part at the zone change level. The Zone Change is a separate set of public hearings before the Planning Commission and City Council with a more specific application where you talk about scale and all the issues that relate to compatibility. The final step is a staff level engineering drawing review.

Tonight what we are trying to do is take a step back to the fundamental general plan question and see if this intersection should be designated for some form of commercial use. The scale and uses will be determined at the zone change level.

This is not a typical four-way intersection. On the northwest corner there is a professional office, the northeast corner is designated and zoned commercial.

Letters were sent to those 500' from the property and notices were placed in the paper.

Bob Nicholson explained the pictures of the area presented by PowerPoint

The property is 18.5 acres but we're not necessary talking about 18 acres at this time because the General Plan is not property line specific. The property is bounded by an existing vet clinic, by single family subdivisions, by an LDS church, and by the Painted Desert subdivision.

The City General Plan does support the concept of neighborhood commercial centers at appropriate locations along arterial streets to reduce the need for cross town travel. The policy is 6.5.5 in the General Plan. The basic need is for convenience and to avoid the necessity of cross town trips. It also promotes walk-ability. A grocery store can be part of the **neighborhood commercial center or regional community commercial center**; it crosses those lines. The size and type of commercial use is a zoning issue.

Other commercial locations in the area includes Harmon's on 700 S, on Riverside Drive near the post office, at 1450 South is the current issue we're going through where the General Plan is commercial already, Fort Pierce Drive has the gas station and commercial across the street and then this property tonight potentially and the other corners there. Then on 3000 East there are designated sites. None of which are built but we see the need in the future. There is also some commercial zoning on Crimson Ridge Drive.

As far as traffic: both roads are arterial and suitable for a commercial center. At the time of a Zone Change or Site Plan Review a traffic study will be required. The need for decel lanes, right ins and right outs will be determined then. The developer did provide a Traffic Impact Study which answers some of the basic questions. When they analyzed the current levels of traffic at that intersection it was projected until 2019. It also indicated that the intersection would still operate at satisfactory level and that when Mall Drive Bridge is complete it will take some of the capacity.

The southeast corner is good location for *some* level of commercial development. The acreage and scale of that commercial land is something to discuss at the zoning level. The applicant has shown a conceptual site plan, but again that is an issue typical for the zone change.

Staff recommends the General Plan be amended to show approximately a 10-12 acre bubble at the southeast corner of the intersection. The size of the development will be determined during the Zone Change process. The Zone Change can be for all 18.5 and the Planning Commission and City Council would determine the extent of the zone based on neighborhood compatibility.

Chairman Ross Taylor opened the item up to the public for comment and noted that tonight is simply whether or not there should be commercial somewhere around that intersection. If you don't believe there is any possibility for any commercial in that area, please speak to that subject and not toward the size or scope of the proposed work. The developer has done well showing that but we're really only discussing the concept of commercial being there. We will welcome the developer first and then the public.

Dave Weller (applicant):

We are requesting the General Plan be amended to allow this property to be zoned commercial. We have owned this property for almost two years. At the first of this year I had three individuals from Little Valley inquire if we would put a grocer at the site as a convenience to them. They were hopeful but we hadn't decided at that time what we were going to do. We were approached by someone who would like to put in a grocer, gas station etc. At this point I want to clarify that we have not signed any agreements. There are several ways this can go. We can zone the property and sell it outright. We can zone the property and develop it ourselves. The purpose of tonight is to decide if any or all can be zoned as commercial. We've had a great deal of support from people wanting a commercial project here. When we moved to Little Valley 11.5 years ago it was much different. Since then many more people have moved into the area. It is important to have commercial services near residential zones for many reasons. It should be noted that there are other commercial designations in the area on the General Plan. A few weeks ago I spoke to Craig Morley, an appraiser, he prepared this letter to be read tonight:

Dave Weller distributed and read from the letter submitted by Mr. Craig Morley

Dave Weller continued:

Craig Morley's opinion was that there should be no significant adverse impact to the property values in the area. My goal in this is not to have everyone mad. I know some people will be frustrated and some will be happy. The question is simply should commercial be on this corner? I believe it should. I believe traffic will get congested and it will be nice to have services in our area. I'm willing to visit with the neighbors. We did have two neighborhood meetings so I know the neighbors will feel like I haven't made changes to the site plan. I didn't make changes because I understand what the point of tonight's meeting is. This meeting is to see if there should be commercial here or not. If it can be commercial then we'll have more neighborhood meetings.

Tyler Hoskins – Jones and Demill Engineering (Traffic Analysis):

The analysis you have is a preliminary analysis. There are obviously many more details to work out in the future. River Road is a minor arterial road with a five-lane cross section. With this project it will have to be a five-lane cross section. 2450 South is also a minor arterial roadway– we don't see that that will need to be widened from a traffic standpoint– it can handle the traffic flow as is. We will look in more detail to turning lanes and accesses in the future however I don't project traffic signals being necessary.

Commissioner Ro Wilkinson noted that with the new bridge, that will mitigate some of the traffic and will be a great asset to Little Valley.

Tyler Hoskins responded absolutely. A lot of the people who live in this area have to use the city streets to do that. I strongly believe that many of those trips bogging down River Road will be less because people will stay internal.

Commissioner Don Buehner noted that the land left as is will be low density residential and there will be some impact on the roads from that. Is there a way to estimate the difference between the impacts of low density residential versus commercial?

Tyler Hoskins responded that in the submittal to the city there was a trip generation analysis. The specific answer is for 150,000 square feet of building area. A shopping center like this creates 6,462 trips. I'm not sure how many single family homes could be in that area.

Bob Nicholson inserted that 57-58 single family homes could fill this parcel.

Tyler Hoskins responded that at 58 units with 10 trips per day that would be 580 trips per day versus the 5,000.

Chairman Ross Taylor recognized the Boy Scouts and asked them to come forward.

The Scouts approached to state that they are Troop 1668 and that they reside in the community in question. They are fulfilling their 'citizenship in community' merit badge. The young men working on their badges introduced themselves to the Commission.

Chairman Ross Taylor thanked the young men for coming forward and excused them to return to the audience.

Chairman Ross Taylor invited the public to comment and reminded those in attendance that we are not looking at 18.5 acres but we are looking at a bubble.

Trevor Kunz – Jedora Estates Resident

Trevor Kunz handed papers to the Planning Commissioners

There are two pages to what I have given you. The first is the proposal given to the residents from the developer. The second are other areas in the Little Valley area that we can benefit from that are already commercial.

Mr. Kunz asked all in opposition to the change to stand or raise their hands

I think it is clear that we are not in favor of the zone change. Before I moved down to the Little Valley area I lived in the Dixie Downs area near the Lin's grocery store. I can tell you I never once walked to Lin's. As we looked to move away from that area as traffic,

noise, and crime became issues we looked to the master plan for a sense of stability and trust where the City of St. George could show us what general plan was. I understand the purpose of the General Plan is to give guidance. This property has never been commercial. It was annexed into the City and has never been commercial. We moved out to this area because we liked the residential location. We liked the parks and schools that were planned for this area *not* that we could walk to the grocery store or other commercial properties. I didn't get a letter so I must live 505 feet from the property. I understand the importance of commercial. I commute into the City and know the traffic problems. I understand having commercial outside the inner city but there are already areas. At the end of 2450 S and 3000 E there are already commercial zones that could benefit that. The grocery store won't be as large as a Wal-Mart but there could still be a grocery store or other commercial properties. With Mall Drive alleviating pressures from River Road and the south access bridge; both tie right into that area which would bring people into the property. I don't have any qualms with Dave Weller. He built my neighbor's house and I ask that the commission allow him to continue building houses. I want to see it left as residential R-1-10 and not commercial.

Applause from the audience

Chairman Ross Taylor asked the audience to hold any applause.

Carolyn Osborn – Painted Desert, Desert Sands

When we purchased we did our due diligence concerning the 18.5 acres. Through proper inquiry we found it would be low density housing. With that we bought the property feeling comfortable with the surrounding area. Our home is 262 and is directly across River Road from the 18.5 acres. In the 3.5 years we have lived there, the noise from traffic and increase in traffic has been horrendous to the point that I wear ear plugs to bed and that's not enough. It has gotten busier due to continued building further south. My concern is that we don't have a wall that borders the back of our property so I'll have to contact our HOA because the wall is so low that we can see the vehicle traffic as well as those walking. We can't use our rear yard at all. While doing yard clean up there was a soda can sitting on our wall. People walk along there and put trash on the wall. It is depressing and unsettling to think that with nothing there except acreage we have to deal with these issues. We made sure that we didn't buy a home that was going to be near commercial building. That's why we did our due diligence. Now I'm really concerned because I know it is going to devalue any properties on that street. We will have light pollution, night deliveries for the grocery store and it will become another strip mall. There will be more noise, traffic and crime and that is a great concern to us. As an owner, not renter, I have much more of a vested interest. I cannot do anything to improve the rear of our property. We moved to this area to have better health and enjoy outdoor living. We live right across the road and it is already a problem.

Russell Riggs – previous property owner

With all due respect to Mr. Morely and Mr. Weller regarding property values and traffic: we designed Shore Estates. 2540 S was an extension of what was to be the next phase of a residential subdivision. If they put a grocery store or strip mall the people on that street

will have an increase in traffic because people will go through the residential zones rather than 2450 S.

When this was annexed it was recommended that this area be low density residential and continue with larger lots as you get further away from the city center. We never requested a zone change for our property because we felt it should be low density residential. While I worked with the City of St. George, I recall numerous meetings where city staff would present the general plan to residents of each area and receive feedback. I was told the last meeting was in 2007. The last meeting left this area as low density residential. I understand that main arteries are prime targets for bubble commercial zoning. That bubble was on the other corners of this intersection.

In 2000, we developed Jedora Estates. Many times home owners would ask us what our plan was for the remaining area and we assured them it would remain low density residential. After Phase 3 we took a break. In 2008 we were asked if the remaining 18.5 acres were for sale and were assured that the property would remain low density residential. We learned shortly after that that he had approached the City for high density. Before he could get it changed the contract lapsed and we refused to continue working with him because we wanted it low density residential. We didn't want it high density because we promised those in Jedora that it would be low density. Last year Weller asked if it was for sale and we asked what he was going to do. Weller said he would leave it as R-1-10 and build single family dwelling as he did previously. I'm sure that is what he intended originally. If we knew then what we know now, we never would have sold the property. I don't think the time to amend the General Plan is when one developer stands to have a good deal turn into a great deal. It should have been done before the houses were built so people would know it would be commercial there.

Neither Mr. Weller nor Mr. Morley lives near this area to be affected by this. Please don't allow one person to amend the General Plan over the protests of the majority of those who live in the *immediate* area. They made their investments because they wanted to be surrounded by single family residential low density housing. If you grant this amendment you might as well pull down the General Plan because you're showing that whatever goes to the highest bidder. The map hasn't changed in this area in over 30 years. We're asking you not to amend the General Plan and to deny the zone request. Don't table it for more information. People made their investments under the discretion of those who made the general plan before you. We kept our word and the City of St. George should keep theirs.

Patrick Carol – Jedora Estates

I recognize one thing – the mind is a powerful thing. The mind can convince us of things that are not true. I believe Mr. Weller has convinced himself that this proposed change is a good idea. This proposal is a bad idea. I recommend that the committee deny this request tonight. On October 23, 2007 the Planning Commission entertained a proposal to change this plat from R-1-10 as it is currently zoned. There was an overflow of attendance from those in opposition. The decision was to maintain the current zoning as it stood and as it now stands. You may recall as Commissioner Mike Novice motioned and Ross Taylor seconded to deny the request to the City General Plan Land Use Map.

You may recall that Gil Almquist, Ron Bracken, Chapen Perks, Ross Taylor, Gail Bunker, Mike Novice, Julie Hullinger, and Kim Campbell all voted to keep this parcel of land zoned R-1-10. I recommend that the committee again deny this request tonight. Earlier Trevor Kunz pointed out the proximity of commercial zoning on the master plan. He did not introduce the prospect of commercial blight. The value of homes near this area will decrease in value despite what was presented by Dave Weller and Mr. Morley. Imagine the decrease in value if they are next to a ghost town. With commercial already at 1450 S, 2450 S and 3000 E I am concerned that if commercial is at all three parcels, this property is the most likely to fail. With residential growth comes the need for commerce however the neighborhood does not want this and the City does not need commercial at this property. This property is 2.18 miles from Harmon's and 3.46 miles from Walmart. If I can respond urgently to the hospital from my home, which is further than the proposal for commercial development, in less than 10 minutes, without breaking traffic laws, to a baby in critical condition then people can drive 15 minutes to a grocery store. If society believes that it is more important to respond to a grocer than a life or death situation then something is wrong. Again, I recommend that the committee deny this request. It is my hope that Mr. Weller makes his money, however there is a right and wrong way. Modifying the General Plan is the wrong way. Requesting a rezone without consent of the neighborhood is wrong. Act as you previously did in 2007 and deny this request.

Al Robinson –

I drive out 2450 S and River Road daily I have yet to find the five-lane road unless it is simply a proposal. 2450 S is a two-lane with a turn lane. If you put 2,000 more cars you should put police there to manage all the accidents that will occur. Whoever did the traffic study should go at 8:00 am when I have to wait 20-30 cars to get out. I have seen cars lined up at the light beyond the church. Traffic wise – someone didn't do a very good job. I also think that it was zoned residential and should stay that way.

Bart Peacock – Jedora Estates; neighbors the proposed property

I'm an electrician by trade - I would like to speak about some things that I have researched and talk about lighting. Your standard light bulb will generate 850 lumens of light output. They're not intrusive. Decorative lights on the outside of a house will have a halogen or flood light. When you jump into commercial applications you run into lamps that are 400 watt, metal halide and 39,000 lumens. This would be exterior wall or shorter light poles for parking stalls. This bulb (bulb held up in meeting) is a 1000 watt metal halide with 150,000 lumens. It'll be in a Walmart, Kohl's or Harmon's. This is the impact we will see. I took a light meter and went to Harmon's and both Walmart's, Kohl's and Albertson's in Washington. The readings were according to Mr. Weller's plan. The single stall at the edge of the property would have a single head and I took the light measurements from his dimensions. Behind that fixture, which would be behind my house and takes into account the 35' landscape buffer there would be 19.5 times more light than the light that is in my yard now with the lowest reading. The maximum light reading would be 215 times the amount on light currently in my backyard. With this information, I recommend that we not table and simply deny. It is not the place for commercial around these homes.

Ryan Bowland – Painted Sands of Painted Desert

Trying to turn left is tough. We tend to go up to the light to be easier. To say that this area will not require any lighting is a misnomer. Turning left will be treacherous. I think it will add way too much traffic. I do not support this area getting that much more traffic and commercial when there are areas nearby that can handle it.

Commissioner Ross Taylor noted the items that have been brought forward thus far and shared his experience with development near his home. Change does occur after you purchase your home. There is no guarantee that you will be the last person to move into this area.

Tom Arton –

I want to talk about traffic that has not been mentioned. I'm not talking cars, I'm talking trucks. We have the industrial park to the south. In the report it said traffic would come from the north. Residential traffic will come from the south and be a four lane through which is good for the residents going to the hospital. I don't think commercial in that area will allow commercial trucks in there. All it will do is invite the south traffic, heavy construction trucks to come up into the area.

Zach Weiland –

I live in this area and do know about crime and safety as I'm a prosecuting attorney. I know you're talking bubble but we can't just talk bubble. When he applied for this he had to pay per acre and he paid for an 18.5 acre bubble.

Zach Weiland asked that the City map be displayed; Ray Snyder obliged

I received the notice letter. Previously the committee addressed the Sheffield piece at 1450 S. There you sent out 11 notices; on this situation you sent over 200 letters to those within 500 feet.

Safety – with the Washington County School Board they do not allow bussing if you live within two miles as the crow flies. We live a mile away from the elementary and my kids must walk. Desert Hills must also find their own transportation. Years ago we said how dangerous River Road was. This bridge near Horseman's Park is the worst. We asked that there be a sidewalk so kids have safe path to walk. All they did was put cement barriers on the bridge. By increasing traffic you're putting people at risk. This area is not ready. This is currently a thoroughfare. Now it will be a destination so kids can get candy and necessities. There is no light. How are all these kids going to get to the store? They will run across the street. You are putting them at risk. Instead of the average traffic now it will be destination with more traffic more cluster more risk. I think you should deny this request outright.

Carl Woldvogel –

I live outside the 500' area and I think it is unfortunate that you only send letters to 500' as most will be opposed. It's natural for commercial to occur. Many can suppose what will happen but let me relate this instance: I moved from Orem. I have a few lots in an

apple orchard and the road there was a two-lane road. It is now a six-lane road. I used to live five houses from 800 N. Now that home is three houses away because things change. Areas grow and development happens. When commercial wanted to go near Bloomington I was opposed. After it was built, I found myself shopping there. River Road is a bad place. Not many like living there. No one will buy a house on River Road and have the noise problem. I am one who is in favor of the commercial bubble being extended because I won't have to wait for the rooftops to have commercial in Little Valley. I would like those local stores closer to my home.

Trevor Holt –

I have a few things that I believe were misrepresented by staff. The word was *neighborhood commercial* and is listed as maximum of 5 acres. You cannot approve over 5 acres as C-1, C-2, C-3, and C-4 because it is surrounded by neighborhoods. I want to make sure that that was a misnomer – per policy it doesn't work. Secondly the traffic study was an abbreviated study – I know it was and assume it was only an hour on a Thursday. It did not show any of the major impacts. Section 6.12.3 of the land use policy says new development must maintain no less than Level D which is 40 seconds average wait at an intersection. If you want to talk about when the traffic study needs to be done – the fact that they represent that this road is sufficient to support us in 2019 is a misnomer. I know roads fall behind development but we are far enough down the road now that mitigation has to be done. You cannot vote neighborhood commercial if it is above 5 acres.

Bob Nicholson countered that Mr. Holt is mistaking a zone action from a general plan. If we were talking C-1 zone 5 acres would be the limit but we are not talking about that tonight. There is a general plan step and there is a zoning step. We are only at the General Plan step.

Trevor Holt agreed and added that I am simply saying that if you allow commercial that cannot fit any of your commercial zone regulations, you will not only have to amend the general plan, you would be violating the commercial zoning policies, and you could only put PD Commercial on this property. There is a way out by doing PD Commercial. I am just giving you the opportunity to understand what is happening here.

Glen Bundy –

I lived in Little Valley before it was in the county. I helped build 2450 S. Now we have all these people out there. I asked the Planning Commission three times where the commercial, residential and schools would be. Back then we only had parcels of ground. Now we're getting down to where land is limited. Come down to 2450 S and try to get onto the roads I have paved. You can't get on. You have to wait. All I'm saying is I'm tired of driving clear to town to get milk. Before Wal-mart came in how many meetings did we have? Are we not seeing the same thing tonight? Where is it going to be? 3000 East? We need to have commercial somewhere so I don't have to drive far away to get milk. I think that if you stop and look at it in the end it's putting money in your pocket so you don't have to go so far.

Carolynn Brant – Painted Desert: This area is not far from Steve Sheffield's gym. It is ridiculous. Let's not change this property. It is going to cause a lot of heart ache.

Commissioner Nathan Fisher asked Ms. Brant if there is commercial on the west side of River Road where she lives.

Carolynn Brant responded that there is no commercial on our side then corrected herself stating that there is that little thing but it is very quiet.

Commissioner Nathan Fisher asked if the issue is the type of commercial or the concept of commercial in general not being compatible.

Carolynn Brant responded that what is in that corner is extremely quiet and there is minimal traffic and it does not cause congestion.

Commissioner Nathan Fisher noted that that kind of commercial is compatible.

Carolynn Brant countered that it's quiet business. There's not much there. It doesn't cause trouble but if we have a market across the street it'll be too much.

Chairman Ross Taylor closed the item to the public and opened the item for further discussion among commissioners.

Commissioner Ro Wilkinson commented that 7-8 years ago when Sheffield built Summit there was a lot of discussion of an Albertson's and people were all for it. Now in this day we've changed our whole focus. I know people wanted extra commercial there to support. I think place is important and how trucks go in. I live by the Sunset Albertsons and it's the same with Wal-mart – the people there don't seem to mind it.

Commissioner Don Buehner stated that we (Planning Commission) send a recommendation to your City Council as they are your elected officials and they will make the final decision. I always look at the difference not just the issue. We're not considering just commercial but if we recommend a change what we are saying is it will not be low density residential. With that being the difference I heard three reasons why this would be a good thing to recommend commercial understanding it may be low impact. The first was that development happens - to me that is not a compelling reason as there are already commercial places close by indicated on the General Plan. Second – no one wants to build on River Road. That property was bought when River Road already existed. I'm all for development but I'm for proactive and not reactive. Unless I can find another compelling reason to vote – I am opposed to it.

Assistant City Attorney Victoria Hales reminded the commission that this is a general plan amendment. It is not a discussion or vote on a specific project. It is a proposed change from low density residential to commercial. It is a legislative act.

Commissioner Don Buehner inserted that he understood and I wanted to say that he does not recommend a change.

Commissioner Nathan Fisher – I live in that area and when this came forward I asked those around me how they felt. One thing that became clear is that if it wasn't in their back yard they were thrilled. The concept of a store was being presented at that time. It is always different when it is your backyard. The only problem is that if we always make a decision based on other

people's backyards we would never make a decision or accomplish anything. The issue is simply if commercial in that location is a good idea for the community in that area, not just that neighborhood. We're not deciding what kind of commercial. Across the street is commercial and it's compatible with the area. The issue is if some type of commercial in this area is important for the community and conducive for the area. The City went through great lengths to put together the General Plan. The General Plan goes through these street corners. The real question is if this type of commercial important. What ends up going in there can be determined at the zoning stage. How and what is done can be controlled at that point. I look at Mr. Ds down at the corner and Harmon's and Maverik two miles from there. Mr. Ds is congested all the time even though Maverik's gas is cheaper. Because of that it seems that we need to consider if we need more commercial down in that area. There are some pods of commercial planned but there are also more homes planned there. Are there types of commercial needed in that area? The issue is if there is need for commercial in that area and if it is compatible. Will it benefit the City and the community?

Commissioner Don Buehner responded that this isn't about milk. It's about commercial. I understand that very clearly. I just want to site item four in the comments that there are five commercial areas around it.

MOTION: Commissioner Don Buehner made a motion to recommend denial of the request based on the fact that it is already zoned low density residential and that there are already commercial properties zoned within that general area and that there is no compelling reason to reactively change that area to commercial.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (5)

**Commissioner Todd Staheli
Commissioner Julie Hullinger
Commissioner Diane Adams
Chairman Ross Taylor
Commissioner Don Buehner**

NAYS(2)

**Commissioner Nathan Fisher
Commissioner Ro Wilkinson**

Motion to recommend denial passes.

Assistant City Attorney Victoria Hales asked that a short break be taken at 7:00 pm.

Chairman Ross Taylor granted a short break.

Meeting resumed at 7:07 pm

5. **ZONE CHANGE AMENDMENT (ZCA) PUBLIC HEARINGS**

- A. Consider a zone change amendment to modify the PD-C (Planned Development Commercial) zone for **Stephen Wade** Chevrolet at 150 West Hilton Drive to change the building's front façade by adding new reflective material and to construct a back-

lit entry portal to accommodate the Toyota Corporation's design proposal. The applicant is Mr. Stephen Wade and the representative is Mr. Bill Western. Case No. 2014-ZCA-006. (Staff – Ray S.)

Ray Snyder presented the following:

Tonight we are considering a request to modify the PD-C (Planned Development Commercial) zone for Stephen Wade Chevrolet at 150 West Hilton Drive to change the building's front façade to accommodate the Toyota Corporation's design proposal.

Toyota Corporation would like to have the existing Chevrolet / Cadillac building changed to gray Alucobond or A.M.C. with a red trim along with an illuminated entry portal. The lighted portal would be 38 ft. high and 60 ft. long.

This request is similar to previous Case No. 2012-ZCA-006 that was heard by the City Council on March 15, 2012. At that time the City Council heard and denied a request to modify the building's façade in the PD-C zone for the Stephen Wade dealership at 150 West Hilton Drive for Chevrolet/Cadillac. The council at that time determined that the change would not be in the best interest of the City aesthetically.

Toyota is requesting a change to the existing exterior materials to conform to a new standardized corporate design, materials, and colors scheme. This includes backlit entry 'portal.' Mr. Stephen Wade is not supportive of the requested changes to the St George facility because the City Council originally approved the existing design, colors, and materials that best compliment the community. There is a concern that a new shiny reflective building surface and a backlit entry portal will detract from the original intent of the project.

Mr. Stephen Wade is seeking the City's position on this matter in order to report back to Toyota. There is a letter in your packet from Western Design Group addressing the design. I would like to invite the architect up and then I can answer any other questions you may have.

Bill Western –

As indicated we are changing the Chevrolet/Cadillac Dealership to the Toyota Dealership. As far as color is concerned, the grey is different than the proposal a few years ago. They came back with a less reflective material. This color of grey is very similar to what is presently there. There are two issues – one the color and material the second is the backlit entry portal. That one rendering doesn't really represent how bright it is. It really is not that bright. The illumination of those backlit portals is about one foot candle. Most parking lot lighting at dealerships are 12 foot candles. It is a very soft lit illuminated panel.

Commissioner Ro Wilkinson asked where the Chevrolet/Cadillac dealership is going.

Bill Western responded that Chevrolet/Cadillac is going to be where Toyota used to be. We have taken that building apart and are enlarging it.

Commissioner Ro Wilkinson asked if the same exterior for Chevrolet/Cadillac will be the one we approved or if they are using their modern day exterior.

Bill Western responded that they are all using a metal façade or finish now.

Commissioner Ro Wilkinson asked if Toyota will be following the corporate designs.

Bill Western stated that they will unless they are not approved.

Commissioner Ro Wilkinson added that the one we denied was because the main highway was there and that it would be too bright.

Bill Western stated that they have explained it to Toyota and got permission to come before the Planning Commission and City Council to try to get the façade change. I think it will look nice but if it will look better, I don't know.

Commissioner Nathan Fisher asked if the current façade already has what is here.

Bill Western responded no, the current façade is stucco. The new Chevrolet/Cadillac will have that as required. We went in front of Planning Commission and City Council a year ago regarding that. It will be mostly glass. Most dealerships want to show what is inside the building.

Commissioner Nathan Fisher stated that he is concerned about the reflective material and has a hard time visualizing the illumination.

Chairman Ross Taylor opened the item up to the public for comment.

Chairman Ross Taylor closed the item to the public and opened the item for further discussion among commissioners.

MOTION: Commissioner Julie Hullinger made a motion with to recommend denial due to the reflective material being so close to the freeway and the illuminated material.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion for denial carries.

- B. Consider a zone change amendment to amend the PD-R (Planned Development Residential) zone for the “**Ledges Master Plan**” to designate two areas on the east side of U-18 to allow for short term residential units. Development Solutions Inc. is the applicant. Case No. 2014-ZCA-008. (Staff – Bob N.).

Bob Nicholson presented the following:

The original master plan for the Ledges was approved in December of 2007. There are two designated areas that would allow, not force, short term rentals (less than 29 days). Phase 7 is a recorded plat and the other area has not yet been recorded.

There are a number of places in the City that allow short term rentals so this is not a new thing. The criteria for short term rentals in residential zones can be found in section 10-14-22 of the zoning code.

This amendment will designate certain areas to allow short term rentals. The amendment is to allow overnight lodging at the Ledges while regulating the short term rental program by limiting the use to certain areas.

Short term rentals must meet the following requirements:

First - they have to designate areas for this use. Both areas on the east side of U-18.

Second - the PD zone must have at least 100 dwelling units. The Ledges is well in excess.

Third – the PD should have a regulation 18 hole golf course or other recreational facility. The Ledges does have an 18 hole golf course as well as club house and training center and a swimming pool is being developed.

Fourth - written consent is needed from those owners of the recorded plat. Two of those areas do not have recorded plats so that would be noticed up front stating this subdivision is approved for short term rentals so they know. In the case of Fairways #7 they will have to amend the plat and get 100% consent from all current owners. If they cannot, then it will not go forward.

Commissioner Nathan Fisher asked if Fairways #7 is built out already.

Bob Nicholson responded that it's not but it is recorded and some lots have been sold. There are some parking requirements that will come into play. When the plat is submitted guest parking will be addressed. The property shall have at least 2 per home plus 1 for every 2 guest bedrooms so they will have to check that out at the time of the plat submittal. They will also need to get a business license from the City and they have to collect the transient room taxes as stated in state law.

Chairman Ross Taylor invited Stacy Young (applicant) to approach.

Stacy Young said that Bob hit the main points. The goal here is to accommodate short term visitors to create more of a resort environment. It is also to allow those who are 2nd home buyers to have an attractive product. Rather than having a free-for-all up there where it is rented out without authorization this will help with that.

Commissioner Diane Adams asked if the Ledges has an HOA.

Stacy Young responded that there is an HOA.

Commissioner Diane Adams asked if the short term rentals are part of or adjacent to the HOA.

Stacy Young responded that there will be an overarching master HOA and then a sub HOA for each neighborhood.

Commissioner Diane Adams asked what the CCRs allow.

Stacy Young answered that no CCRs have been recorded against any of the new products. It is allowed in the PD-R.

Commissioner Diane Adams asked if the HOA has declarant rights.

Stacy Young responded yes.

Chairman Ross Taylor stated if the neighbors have problems with the rentals overnight – the concern with this is that if we allow it in some portion of the Ledges what is the guarantee that someone in another portion doesn't do this as well? How will that be supervised?

Stacy Young responded that is the world we're in today. It's a combination of the HOA and the City Code Enforcement.

Commissioner Nathan Fisher stated that it exists already. Code Enforcement deals with it all the time. Stacy is suggesting that black market rentals may subside with more approved short term rental areas. It's a Code Enforcement issue really and it's usually brought to our attention by neighbors.

Chairman Ross Taylor stated that my concern is that if it is legal nearby than I might be enticed. I wonder if it doesn't stimulate more activity.

Commissioner Nathan Fisher added that if it's that attractive, hopefully they'll all opt into it.

Commissioner Todd Staheli asked if these are required to be managed by property management. Stacy Young stated that it will be more along the Entrada model rather than a free-for-all.

Bob Nicholson inserted that we did receive letters of opposition that are in the packet.

Chairman Ross Taylor asked the Planning Commission to take a moment to read the letters found in the packet.

Chairman Ross Taylor opened the item up to the public for comment.

Morse Sheets –

I live between the proposed areas. If they make those rentals I live on a street all by myself and the whole thing was one happy family. Then they started building houses that didn't sell well so now they want rentals. I don't mind the rental thing because I know there is a need for it, but there's a whole section there separated by the golf course. It seems to me that my property will be devalued. There is a short term rental near my house that the HOA doesn't enforce and the City hasn't done anything either. It's been brought to the HOA's attention many times over the past five years. I understand what has happened here. Are they going to finish the pool that they started? It's still not done. I'm lucky my backyard doesn't face the pool. The guy right there has two years worth of dust blown into his yard. Will the HOA patrol? Doubtful. Is there any good I see from this? Not on my side; on the other side, maybe. I don't have the answers but I do know that the nightly rental will drive your values down. Entrada is different. You don't want a house across the street from a rental. You go to rentals to party. It is what it is. I don't like the sub-HOA. They're all in our HOA. We have no voice. There has never been a meeting where we could have a vote.

Gilbert Jennings – representative for the land owners at the Ledges

Recently you approved four subdivisions at the Ledges. I would like to answer your questions. It sounds to me that you haven't gotten the real answers. The Ledges have never been in bankruptcy. This is a large, complicated project. There is a club house which is a fabulous facility. There was a development group in there that failed. They did a poor job over the past 4-5 years and have caused distress. We as land owners stepped back in and fixed the problems that the group created. There was a master

declaration recorded. The HOA covers all the existing developed and recorded subdivisions. We have a new master declaration that will cover the balance of the property which is about 80%. The new master declaration does allow short term but we have to come to you and City Council for those areas to be dedicated. We can't record that master declaration until the plats are recorded. There is a dispute with the current HOA and we're trying to resolve those issues. We want the whole project to be under one master declaration eventually. They have not managed it as well as they should have. Mr. Sheets lives in Phase 1. Phase 7 is what we are looking at and 100% of the owners have given consent. Currently in Phase 7 there are 41 lots. Of the 41 there are three full time residents. There are six additional lots that have been sold and consent has been given. Our group owns the balance of those lots. The reason for short term is because this is a resort project. We just opened the golf academy and it is trying to get golfers from all over the world to come over and spend time there. I spent time with a group from Canada last week but they had to stay downtown and would have preferred to stay on site. We have worked with Mr. Nicholson to abide by all the regulations. The pool was started by the previous developers and it's taken us some time to fix what they started. That will happen no matter what. Our facility is serving people for special events. It's a great place for corporate events. There's a great need. The property will be managed by our management group. If you go to the clubhouse our front desk will operate like a hotel. One problem we have is vacation rentals by owners. There are problems on our gated west side because people want to rent their properties. We want to manage our properties properly. We also want a place for them to park their vehicles. This is not a free-for-all and we don't want it to be.

Commissioner Diane Adams asked what the current and new HOA dues would be.

Gubler Jennings replied that there is the master declaration that covers this project and then each neighborhood will have fees associated with what they do. The golf club is not a private club. It has public play and that's how we intend it. The architect is working on a new amenity package.

Don Buehner asked if the 100% is only for Phase 7.

Gubler Jennings right, that's the Fairways. Mr. Sheets lives in Red Cloud and it's a separate neighborhood.

Assistant City Attorney Victoria Hales reminded the commission that the public hearing is still open.

Rowland Smith – I live across the fence in Winchester Hills. It talks about a buffer zone. How big is that buffer zone and what is protecting that? Is there going to be a wall there to separate Winchester Hills and the Ledges?

Bob Nicholson responded that the buffer is part of the original PD. A density of one dwelling unit per acre is the buffer. That does not mean one acre lots it means one dwelling unit. They might do some clustering but that's not proposed tonight. The buffer is typically 200 feet but more importantly it is one home per acre.

Stacy Young added that we want to look at that area more carefully so before we bring back an application with any change there we will get together with the folks in that area and get your feedback but for today we don't have the answer.

Commissioner Nathan Fisher inserted that the developer will have parameters that they will have to work through before developing.

Chairman Ross Taylor closed the item to the public and opened the item for further discussion among commissioners.

Commissioner Don Buehner asked for a procedural clarification on the item.

Commissioner Nathan Fisher and Bob Nicholson clarified the action to be taken.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the PD Zone Amendment.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion carries.

6. **ZONING REGULATION AMENDMENT (ZRA) PUBLIC HEARING**

Consider a proposed amendment to Title 10 Zoning Regulations, Chapter 19, Section 10-19-4.2 to provide a 25% reduction in the required number of **parking spaces for DSU** (Dixie State University) **off-campus college housing** subject to certain criteria within a P.E.A. (Pedestrian Emphasis Area). Case No. 2014-ZRA-002. (Staff – Bob N.).

Bob Nicholson presented the following:

Currently the zoning ordinance in regards to student housing, we only have jurisdiction off campus. The parking requirement is 1 parking space per occupant or bed. That has been in place for 10-15 years. Before that there was no specific student housing it followed multi-family requirements. The City was approached by a group who did student housing for BYU-I and asked that we consider what Rexburg did for BYU-I. The applicant said that they can put in housing where they will restrict the number of students who have cars. The developer will limit by rental contracts where only 75% of students can bring vehicles. It would be a major help to them if the City would grant a parking reduction where they develop housing with those rental contracts in place.

10-19-4 :2 states off campus college student housing in multi-family residential zones requires One parking space for each student / occupant, plus one space for a manager, where an on-site office is established. All parking shall be on site; no street parking or tandem parking shall be counted toward meeting the parking requirement. No parking area shall be located within the required front setback facing a public street and it shall in no case be more than one hundred feet (100') away from the premises it is intended to serve.

The new provision: the required parking spaces shall be reduced to .75 parking spaces per occupant where the following criteria are met:

The student/occupant housing is new multi-family construction with ten or more units and is located within the "Student Pedestrian Emphasis Area" as shown on attached Figure 1;

(The PEA lines can be changed however it cannot go west of 700 East as a commitment has been made to the residents by the City. Most of the area has already been developed however re-development is a possibility.)

Each property that utilizes this parking reduction shall clearly specify on all rental contracts whether or not an automobile parking space is provided for that individual tenant, and no more than 75% of the tenants may be in possession of an automobile; and

The property owner shall enter into an agreement with the City and with Dixie State University stating that the property owner is responsible for monitoring compliance with the above stated criteria for a student/occupant parking reduction. Monitoring shall include a semi-annual report to the City and Dixie State University prepared by the property owner indicating the number and percentage of tenants in possession of an automobile; and

Lighted bicycle parking is provided on a hard surface area adjacent to the student housing at a ratio of one (1) space per every ten (10) student/occupants; and

The student/occupant parking reduction does not reduce or alter the other parking requirements in this Section.

Councilman Joe Bowcutt asked what the existing units would have to do to qualify for the parking reduction. Would they have to tear it down?

Bob Nicholson responded that if they had room to put a building in there that would be a possibility. There is limited ability for those existing units.

Commissioner Don Buehner commented that if there was a remodel they would have latitude or incentive to do this.

Bob Nicholson responded yes. The applicants have said that one parking space per student is a burden and if it's close enough to campus not all students will have cars.

Councilman Joe Bowcutt inserted that the existing property owners will be penalized they won't get the benefit of the changes.

Bob Nicholson replied that when a lot of those properties were developed they didn't meet the code at that time. Many don't have enough parking as is. The parking requirements are relatively new compared to the older buildings.

Commissioner Nathan Fisher recused himself as he owns property in the area.

Chairman Ross Taylor opened the item up to the public for comment.

There were no comments.

Chairman Ross Taylor closed the item to the public and opened the item for further discussion among commissioners.

MOTION: Commissioner Don Buehner made a motion to recommend to City Council approval of this zoning regulation amendment for the purpose 1 – there is already a successful model in place 2 – the residential area requirements are in place.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

RECUSED (1)

Commissioner Nathan Fisher

Motion carries.

7. PRELIMINARY PLATS (PP)

Consider approval of a preliminary plat for “**Confluence Commercial Center**” a 4 lot commercial subdivision. The applicant is the City of St. George and the representative is the City of St. George. The property is zoned C-3 (General Commercial Zone) and is located at 150 East 270 South, east of the Dixie Center. Case No. 2014-PP-024. (Staff – Wes J.).

Wes Jenkins presented the preliminary plat:

This is only half of the piece there that the City is looking at right now. There would be one main access allowed on 270 with a right in right out only as well. The erosion hazard line runs along this. There is rip rap buried by the NRCS. The City has hired a firm to find ways to mitigate the erosion hazard. The flood way and plain sits throughout this property. If they haven’t done so already, this will have to be pulled out of the flood plain or construction would have to be one foot above.

MOTION: Commissioner Julie Hullinger made a motion to approve Item 7.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner
Chairman Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS(0)
Motion carries.

8. **CONDITIONAL USE PERMIT (CUP)**

Consider a request to establish “**Last Call Ink**” **tattoo shop** in Unit #1D in the **Phoenix Plaza**. The property is zoned C3 and is generally located near the intersection of Sunset Blvd and Valley View Drive. The applicant is Mr. Eric McFadden. Case No. 2014-CUP-007 (Staff – Ray S.)

Ray Snyder presented the following regarding Item 8:

The request is for permission to manage and operate a (relocated) tattoo shop as the business has been over on Sunland Drive since 2010 as per 2010-CUP-010. The applicant now wishes to relocate that business to a new location in Phoenix Plaza.

Conditional Use Permits runs with the land and is site specific so this will stay with Unit 1D in the Phoenix Plaza regardless of ownership. Currently tattoo shops are only allowed as conditional uses in the C-3. The applicant has submitted a narrative about their business.

The following conditions are recommended (based upon those assigned by the City Council for the previous location on Sunland Drive);

1. Per Section 10-10-2 a tattoo shop requires approval of a CUP.
2. This CUP approval is only for Unit #1D at Phoenix Plaza
3. The shop will be licensed through the State and every two years they will have to re-apply for a State license.
4. The applicant proposes three (3) tattooing stations within approximately a 1,225 sq. ft. unit.
5. The applicant will contact the Chief of Police and work with the Police Department to foster good community relations; no gang symbols or graphics will be inked and they will reserve the right to refuse service to anyone.
6. No smoke shop paraphernalia will be sold; it will be exclusively a tattoo shop.
7. No restrictions on hours.
8. No exterior modifications to the commercial unit are proposed. Per finding ‘D’ below council would review any proposed exterior changes prior to issuance of a building permit.

9. Findings A,B,C,D,E,J & K apply.
10. All signage requires approval of a sign permit.
11. All other standard conditions shall apply (setbacks, parking, lighting, etc.).

Parking is sufficient at 1:250.

As for the findings:

- A – noise should not be a problem
- B – dust is really for new construction
- C – odors must comply with city and state standards
- D – aesthetics; if they are to change the exterior of the building they would have to come forward first
- E – they will meet state and federal safety standards
- J – maintain character; no comments
- K – public health

Commissioner Ross Taylor asked if there are odors associated with tattooing.

Eric McFadden responded no. We have been in business for four years. We try to do a lot as for charity events in the community. We work with Pine View athletics and Rebel athletics. We want to make sure that garage tattooing doesn't happen.

Commissioner Ross Taylor asked if hours of operation from 12:00 pm – 9:00 pm are sufficient.

Eric McFadden responded that that is what we follow. Many of the other businesses in that area close at 5:00 pm.

Commissioner Nathan Fisher inserted that there are only three units so traffic won't be an issue.

Eric McFadden added that we don't take walk ins and appointments usually take 2-3 hours.

Councilman Joe Bowcutt asked if Phoenix Plaza is a PD zone and if their property owners are covered by CCRs.

Ray Snyder inserted that he has been here 10 years and it's been a C-3 zone in that time.

Eric McFadden added that he and his wife spoke to all the occupants and asked if they had objections and faced none.

Ray Snyder responded that we do send letters out to the neighbors as part of the conditional use permit process. I did have one phone call from a snowbird who was opposed but that's all I've heard.

Commissioner Don Buehner noted that while we may or may not like tattoos it seems to comply. I would be inclined to recommend approval for that.

MOTION: Commissioner Don Buehner made a motion to approve Item 8, a conditional use permit to establish Last Call Ink, along with all of the conditions recommended by city staff including number 9 which addressed the findings A, B, C, D, J and K to apply.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS(0)
Motion carries.

9. **BUILDING DESIGN CONCEPTUAL SITE PLAN (BDCSP)**

Consider development of a 40,000 sq. ft. building addition to the existing '**Fiesta Fun**' located on 1160 South Street near the I-15 Freeway. The zoning is C-2. Case No. 2014-BDCSP-002 (Staff – Ray S.)

Ray Snyder presented the following for Item 9:

This request is for a building design and conceptual site plan approval for a proposed 40,000 sq. ft. building addition to the existing Fiesta Fun site.

It's proposed to replace the current 7,500 sq. ft. entertainment facility with a new 40,000 sq. ft. building. The facility has been in operation for over thirteen (13) years and is an attraction which currently offers miniature golf, arcade games, go karts, bumper boats, kiddy carts, soft play, batting cages, and a golf driving range. The new facility will expand its indoor operations to include a twenty (20) lane bowling lane venue (which will not be open to leagues), video game arcade, laser tag, and cafe. The existing outdoor golf driving range will be discontinued.

According to the applicant(s), approximately 60% of the business is tourist traffic. The business also caters to corporate parties and functions to rent out the entire facility.

The miniature golf, go-carts and bumper boats will remain in existing positions.

The new building will be constructed of architectural tilt-up concrete similar to the Dixie Center and many of the local schools. A material sample board has been provided that includes aluminum store front doors and earth tone concrete accent colors (see color board legend attached to staff report).

At this time there are no known plans for use of the existing 7,500 sq. ft. building (which will be replaced by the new 40,000 sq. ft. building).

The applicant proposes a new private access road (25 ft. asphalt width for two-way traffic in and out of the site). However, traffic engineering trip generation will need to be reviewed by the City Traffic Engineer to see if it is adequate. At this time the applicant proposes the one private access only, but the land to the north (owned by the applicant – existing golf driving range) could potentially generate a future need for a second access, a tie-in to 900 South Street (reference aerial) might be deemed necessary.

The land to the east shown as the private access road was 'quit claimed' by the City to the applicant. The City had no interest in the land.

Mr. Travis Davis (Hughes)

Ray explained the overall project well. I should clarify that for a facility like this to function we need the laser tag, arcade and bowling alley. We don't want league bowling as we want the families to be able to do any activity at a given time. Leagues take up that time. That drives us into that square footage which puts us on a tight budget. That is also why we have the one access. Any further development of roadway would take away from the facility. The access will work well for the owner.

Commissioner Don Buehner asked for clarification with the multiple accesses. There seems to be a narrow lane with one lane access. Have you given another access a thought?

Wes Jenkins responded that the road is a construction road that the school uses.

Commissioner Ro Wilkinson asked if the City maintains that access.

Commissioner Julie Hullinger stated that they have to take care of it because it was quit claimed.

Assistant City Attorney Victoria Hales clarified that the applicant owns it.

Commissioner Nathan Fisher asked if it is the full width of the dirt road.

Travis Davis responded no.

Councilman Joe Bowcutt noted that if the sewer messes up it can cause troubles for a long time.

Travis Davis responded that the location of the lines has to be confirmed. They may not actually be under that road.

Councilman Joe Bowcutt asked if the applicant understands that it may be an issue in the future.

Travis Davis said yes.

Commissioner Don Buehner asked if thought has been given to another access.

Travis Davis responded yes, we have had conversations about that but due to budget constraints the owners feel this is adequate. If the parcel north of them is developed they can look at that time.

Commissioner Ro Wilkinson asked how many cars can go on the access that is planned.

Travis Davis answered that the road is 24 feet wide so there is one lane each way.

Assistant City Attorney Victoria Hales directed the commission to the provisions in ordinance 10-10-5-I which states that buildings larger than 20,000 square feet of ground floor area are subject to your review, and then City Council. A site plan along with colored building elevations and a three dimensional rendering shall be submitted to you for your review. It is submitted to you to achieve the following objectives: vehicle access and parking lots properly designed for safety, efficiency, and beauty. Parking lots should be landscaped with shade trees throughout the lot to avoid major heat islands and to break up large asphalt areas; landscaping of the project site to promote community appearance, building façade articulation shall include a variation in base middle, and top of a building created by variations in color and materials; building colors shall be earth tones that blend with the predominant colors of the natural surrounding area and shall not be of high contrast. Bright, white or contrasting colors shall be limited to trim. A materials and color sample board shall be provided. That is the provision they are applying for your recommendation.

MOTION: Commissioner Julie made a motion to approve Item 9 and include staff comments.

SECONDED: Commissioner Todd Staheli seconded the motion.

Commissioner Nathan Fisher inserted that vehicle access can be an issue and that we should consider now if we want them to create another or better access.

Assistant City Attorney Victoria Hales added that the item can be subject to legal review for the access point.

Commissioner Julie Hullinger stated that she will add legal review to the motion.
Commissioner Todd Staheli re-seconded the motion.

Commissioner Don Buehner asked if it would be appropriate to add safety issues stating that the fire department must review.

Ray Snyder inserted that the ordinance will be added to the staff report for City Council. If approved they will come back for Site Plan Review and building and fire will review.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion carries.

10. **MINUTES**

Consider approval of the minutes from the March 11, and April 8, 2014 meeting.

There were no suggested edits for the minutes from March 11.

Suggested edit for the minutes from April 08:

Commissioner Nathan Fisher stated that on page 4, paragraph 4, line 3 – edit the sentence concerning the side and rear.

MOTION: Commissioner Ro Wilkinson made a motion to approve the minutes with the suggested edit.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Motion passes.

Commissioner Ross Taylor addressed the commissioners saying well done tonight and asked if there were things that they would like to continue or change.

Councilman Joe Bowcutt stated he liked the way the public hearings were set up.

Assistant City Attorney Victoria Hales added that she appreciates the way public hearings are opened and closed cleanly.

ADJOURN

MOTION: Commissioner Todd Staheli made a motion to adjourn.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

Meeting adjourned at 8:54 pm.